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cont

Claim 51. The method of claim 50, wherein determining any predetermined amount of any premixed composition using the desired characteristics comprises determining a predetermined amount of premixed composition needed to produce a paint composition having each of a desired sheen, a desired color type, a desired quality, a desired quantity, and suitability for at least one of interior and exterior use.

REMARKS

Claims 1-2, 5-29, 42-43 and 45-54 are currently pending in the application. Applicants canceled claim 44 and amended claims 1-2, 5-29, 42-43 and 45-51. Applicants request reconsideration of the application in light of the following remarks.

Rejections under 35 U.S.C. § 112

Claims 1, 5-28 and 42-54 stand rejected by the Examiner under 35 U.S.C. 112. While Applicants believe that a step of agitating is not required to create a composition because there is no requirement that the composition be of even consistency, and that merely including the first and second compositions within the same receiving reservoir or moving the reservoir to a different location would inherently mix the first and second compositions to some degree, Applicants have amended independent claims 1, 17 and 42 to include "mixing the first composition with the second and third compositions" to overcome any concerns the Examiner may have. Claims 5-16, 18-28 and 43-51 each depend from one of these amended independent claims.

Independent claim 52 recites as a step "automatically producing the desired paint composition" Any requirement that agitation be performed to create a composition, in light of the Examiner's objection to the previous claims, would be part of this step of "producing the desired paint composition," and separate recitation of an agitation step is not believed to be necessary.

Applicants have amended claims 49 and 50 to recite “method” rather than “apparatus.” Applicants claims comply with the examiner's suggestions and are now believed to conform with Section 112. Applicants respectfully request that the rejection of claims 1, 5-28 and 42-54 under 35 U.S.C. § 112 be withdrawn.

Double Patenting Rejection

Claims 1, 2 and 5-28 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 4-6 of U.S. Patent 6,221,145. In order to avoid further expenses and time delay, Applicants elect to expedite the prosecution of the present application by filing a terminal disclaimer to obviate the double patenting rejections in compliance with 37 CFR §1.321 (b) and (c). Applicants' filing of the terminal disclaimer should not be construed as acquiescence of the Examiner's double patenting or obviousness-type double patenting rejections. Attached is the terminal disclaimer and accompanying fee.

Rejections under 35 U.S.C. § 102

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claims 42-54 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kim (U.S. Patent No. 5,445,195, hereinafter “Kim”) or Hoekstra et al. (U.S. Patent No. 4,046,287, hereinafter “Hoekstra”). Applicants respectfully traverse this rejection and request reconsideration of the claims.

Both the disclosures of Kim and Hoekstra describe machinery for automatically measuring and dispensing appropriate tint amounts for coloring paint. Specifically, Kim

includes a plurality of "substantially identical radially arranged sets having: . . . a fluid reservoir which houses a tint, a stirrer, and a valve spring . . . [and] a mechanism for aligning paint containers for tint dispensing" See Kim Abstract. Hoekstra discloses a "system and method for automatically metering and dispensing a plurality of fluids such as paint components." See Hoekstra Abstract. The "paint components" Hoekstra is discussing, however, are "paint colorant components." See col. 1, lines 6-8. While Hoekstra is directed toward an automatic paint colorant dispenser, Hoekstra does broadly state in its background section that the Hoekstra device is "suitable for metering and dispensing a wide variety of fluid components wherein precise formulations are required" See col. 1, lines 10-15. However, Hoekstra does not provide any indication in its disclosure of any other fluids or types of fluids other than paint colorant for which the device is suitable, or for which Hoekstra suggests it may be used.

Applicants' invention is not merely a device for tinting paint. As indicated by the Examiner, paint tinting devices are known in the art and are used by Dupont and Home Depot when an operator mixes a particular paint *color* into an existing can of paint for a customer. Completely distinct from paint tinting devices, Applicants' invention *actually mixes the paint itself*, and does not merely change the color of the paint. Under conventional systems like those used by Dupont and Home Depot, a customer selects a can of paint with desired characteristics from a shelf. The paint may be characterized as being, for example, an interior type, satin finish paint of a professional quality and having a deep tone color type. These characteristics, which are already inherent to the paint, help to determine what tinting should be used to color that can of paint to a desired color. Accordingly, Dupont and Home Depot are required to store hundreds of cans of paint, each with a limited shelf life, having every different type of characteristic which a customer may want. Dupont and Home Depot do not create the paint composition with the tinting machine, they merely tint an existing paint composition to a desired color. The paint tinting machines include a plurality of reservoirs each including a different color of tint.

Independent claim 42 recites “storing a first premixed composition in a first supply reservoir . . . selected from a group of compositions consisting of a **pigment composition**, a **dispersant thickening agent**, a **high resin content binder**, and a **low resin content binder**; . . . storing a second premixed composition in a second supply reservoir . . . selected from the group of compositions, **wherein the second premixed composition is a different one of the group of compositions than the first premixed composition**” and “storing a third premixed composition in a third supply reservoir . . . selected from the group of compositions, **wherein the third premixed composition is a different one of the group of compositions than the first and second premixed compositions . . .**” The Examiner has not yet indicated any pigment composition, dispersant thickening agent, high resin content binder, or low resin content binder, in any reservoir of the disclosed systems of Kim and Hoekstra, let alone a pigment composition in one reservoir and a high resin content binder in another, or a pigment composition in one reservoir, and a dispersant thickening agent in another. Applicants’ invention recited in claim 42 requires that the second premixed composition be not only different from the first premixed composition, but also that it be a different one of the group of compositions than the first premixed composition. Claim 42 also requires that the third premixed composition be not only different from the first and second premixed compositions, but that it be from a different group than those from which the first and second groups come. Both Kim and Hoekstra disclose only tint or colorant in all of their reservoirs and, therefore, do not anticipate claim 42.

Dependent claims 43 and 45-51 are allowable, among other reasons, for depending from allowable claim 42. Additionally, dependent claim 45 is independently allowable over Kim and Hoekstra for reciting a fourth premixed composition from a group different from the other premixed compositions in the overall composition. Thus, by claim 45, the method includes premixed compositions from each of the pigment composition group, the dispersant thickening agent group, the high resin content binder group, and the low resin content binder group. Kim and Hoekstra do not disclose a method of producing a paint composition

involving storing or mixing premixed aqueous compositions from these groups. Dependent claim 48 is independently allowable over Kim and Hoekstra for reciting measuring the flow amount by “measuring a weight of the receiving reservoir” Neither Kim nor Hoekstra includes this in its description. Dependent claim 49 is independently allowable over Kim and Hoekstra for reciting “recalibrating a scale before measuring the weight of the receiving reservoir” between the addition of each flow amount. Neither Kim nor Hoekstra includes this in its description. Lastly, claim 51 is independently allowable over Kim and Hoekstra for determining the amounts required using desired paint characteristics comprising “a desired sheen, a desired color type, a desired quality, a desired quantity, and whether the paint composition will be for interior or exterior use.” Kim and Hoekstra each describe only to the desired color tint, and not a method of selecting an amount based upon any of these additional characteristics. The remaining claims each also recite method steps and elements not disclosed by Kim or Hoekstra.

Independent claim 52 recites “prompting a user to input into the apparatus a selection of either interior or exterior paint; prompting a user to input into the apparatus a desired sheen; prompting a user to input into the apparatus a desired color type; and automatically producing the desired paint composition . . . having the desired sheen . . . being well-suited for the desired color type and for either interior or exterior use as desired.” As discussed above, Kim and Hoekstra both disclose apparatus and methods for tinting paint, not for making the paint itself. There is no disclosure in either Kim or Hoekstra relating to selection of interior or exterior paint, selecting a sheen or color type, or automatically producing the paint composition with those characteristics. Only the color of the paint is selected by the Kim and Hoekstra processes. Accordingly claim 52 is allowable over and not anticipated by Kim and Hoekstra. Dependent claims 53 and 54 are allowable over Kim and Hoekstra, among other reasons, for depending from allowable claim 52. Additionally, claim 54 is independently allowable over Kim and Hoekstra for reciting “placing a second aqueous

composition in the receiving reservoir . . . the second aqueous composition being a different one of the group of premixed aqueous compositions than the first aqueous composition.”

Applicants respectfully request that the anticipation rejections of claims 42-54 be withdrawn.

Rejections under 35 U.S.C. § 103

To establish a *prima facie* case of obviousness under 35 U.S.C. § 103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the cited prior art reference must teach or suggest all of the claim limitations. Furthermore, the suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based upon the Applicants’ disclosure. A failure to meet any one of these criteria is a failure to establish a *prima facie* case of obviousness. MPEP §2143.

Claims 1, 2, 5-29 and 42-54 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bauer et al. (U.S. Patent No. 5,989,331, hereinafter “Bauer”). Applicants respectfully traverse this rejection and request reconsideration of the claims.

Bauer relates primarily to methods and compositions for stable pigment compositions. *See* Abstract and title. Bauer mixes its premixed aqueous pigment slurry with what it calls “paint base”, which is apparently a premixed paint base which includes latex resin, to obtain certain paint formulations. *See* Bauer col. 3, lines 17-25. Bauer does not disclose any apparatus for accomplishing this mixture, does not describe where the pigment slurry and the paint base are stored or how or in what form they are mixed. The disclosure of Bauer is insufficient to make Applicants’ claims obvious, even relying upon the knowledge of those

of ordinary skill in the art. This is further evidenced by the fact that no one in the industry has a system whereby paint may be manufactured at the point of sale. Prior to Applicants' invention, the industry had not even contemplated this concept or mixing paint as Applicants mix it.

Applicants' amended independent claims 1, 17 and 42 each relate to methods of producing an aqueous paint composition involving either "placing" or "supplying" into a receiving reservoir first, second and third aqueous compositions selected from a "group consisting of a **pigment composition, a dispersant thickening agent, a high resin content binder, and a low resin content binder**", each of the first, second and third compositions being a different one of the group of premixed aqueous compositions. In other words, one aqueous paint composition may be produced by mixing a pigment composition, a high resin content binder and a dispersant thickening agent, and another aqueous paint composition may be produced by mixing a pigment composition, a high resin content binder and a low resin content binder. Bauer discloses mixing a premixed pigment composition with a premixed paint base. Even if it were argued that the premixed paint base could be properly characterized as an aqueous composition of a dispersant thickening agent, a high resin content binder or a low resin content binder, which Applicants believe it cannot, the paint is still only one element, there are still only two premixed elements added to the mix (pigment added to paint) and, therefore, Bauer does not make independent claims 1, 17 or 42 obvious.

There also is no teaching, suggestion or motivation in Bauer to further divide the paint base or pigment slurry into independent premixed aqueous compositions which could be characterized as a dispersant thickening agent, a high resin content binder or a low resin content binder to meet the elements of 'he claims without hindsight of Applicants' disclosure. Through selectively mixing the premixed aqueous compositions of Applicant's invention, Applicant is able to create paint within a retail store having any desired characteristic. Conventional paint making methods required that the paint be made at a large

factory using extensive independent ingredients to create paint with the desired characteristics.

Dependent claims 2, 5-16, 18-29 and 43-51 are each allowable over Bauer, among other reasons, for depending from allowable independent claims 1, 17 and 42. The Office Action indicates that the claim elements of the dependent claims were not searched because they were considered to be given little weight in the claims and would have been “simply known as conventional to the artisan practicing in the art at the time the invention was made and/or were common practices that were so well known in the art that they would have been taken for granted.” **Applicants wish to make strong note that this is not the case.**

Applicants believe that the elements of the dependent claims, and particularly the elements involving methods of making paint include several critical limitations which are not found anywhere in the art. To further emphasize the criticality of this, Applicants have amended the form of each of the dependent claims 2, 5-16, 18-29 and 43-51 to more clearly list the elements as method steps.

Applicants’ method of making paint compositions which involve mixing or adding particular components and amounts of components are completely unknown in the art. Applicant discusses these components and the methods and advantages of making paint using particular components in its disclosure: pigment composition (p. 6, line 19 to p. 7, line 5); dispersant thickener (p. 7, line 6 to p. 8, line 22); low resin content binder (p. 8, line 22 to p. 9, line 4); high resin content binder (p. 9, lines 5-13); various combinations of all composition elements (p. 9, line 19 to p. 11, line 7). The methods involving these elements which are critical to specific embodiments of the invention are fully disclosed and demonstrated in the application and are not found in any of the art cited. Applicants respectfully request that each of the claims be searched and a response which considers all of the elements of the claims be provided.

Independent claim 52 relates to a method of producing a desired paint composition. Claim 52 recites “prompting a user to input into the apparatus a selection of either interior or exterior paint; prompting a user to input into the apparatus a desired sheen; prompting a user to input into the apparatus a desired color type; and automatically producing the desired paint composition . . . the composition having the desired” characteristics. Bauer does not teach, suggest or even relate to creating paints having any desired characteristic other than, perhaps, a stable pigment. Bauer is not related to producing paint having characteristics input into an apparatus by a user. Rather, Bauer discloses conventional methods of producing paint, with the addition only of a stable pigment to a paint base. Accordingly, Applicants’ claim 52 is not made obvious by and is allowable over the disclosure of Bauer. Dependent claims 53 and 54 are allowable over Bauer, among other reasons, for depending from allowable claim 52.

Applicants respectfully request that the obviousness rejections of claims 1, 2, 5-29 and 42-54 be withdrawn.

In summary, and in view of the amendments made to the independent claims herein, none of the references cited by the Examiner nor any other known prior art, either alone or in combination, disclose the unique combination of features disclosed in applicant’s claims presently on file. For this reason, allowance of all of applicant’s claims is respectfully solicited.

Regarding Doctrine of Equivalents

Applicants hereby declare that any amendments herein that are not specifically made for the purpose of patentability are made for other purposes, such as clarification, and that no such changes shall be construed as limiting the scope of the claims or the application of the Doctrine of Equivalents.

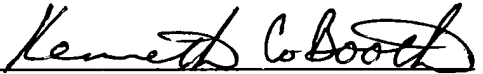
CONCLUSION

It is requested that a one-month extension of time be granted for the filing of this response, and the appropriate extension filing fee of \$55 is enclosed herewith.

If any fees, including extension of time fees or additional claims fees, are due as a result of this response, please charge Deposit Account No. 19-0513. This authorization is intended to act as a constructive petition for an extension of time, should an extension of time be needed as a result of this response. The examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

Respectfully submitted,

Date: September 17, 2002

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Claim 1. (Amended) A method of producing an aqueous paint composition, comprising:

placing a first premixed aqueous composition in a receiving reservoir, the first aqueous composition selected from a group of premixed aqueous compositions consisting of a pigment composition, a dispersant thickening agent, a high resin content binder, and a low resin content binder; [and]

placing a second premixed aqueous composition in the receiving reservoir, the second aqueous composition selected from the group of premixed aqueous compositions, the second aqueous composition being a different one of the group of premixed aqueous compositions than the first aqueous composition;

placing a third premixed aqueous composition in the receiving reservoir, the third aqueous composition selected from the group of premixed aqueous compositions, the third aqueous composition being a different one of the group of premixed aqueous compositions than the first and second aqueous compositions; and

mixing the first composition with the second and third compositions.

Claim 2. (Amended) The method of claim 1, further comprising [the step of] mixing the aqueous paint composition.

Claims 3-4 Canceled.

Claim 5. (Amended) The method of claim 1, wherein placing the first premixed aqueous paint composition [is the] in the receiving reservoir comprises placing an aqueous paint composition in the receiving reservoir which has been premixed as a pigment composition.

Claim 6. (Amended) The method of claim 5, wherein placing the pigment composition in the receiving reservoir comprises placing a pigment composition in the receiving reservoir which has been premixed to include titanium dioxide.

Claim 7. (Amended) The method of claim 6, wherein [the pigment composition comprises] placing the pigment composition in the receiving reservoir which has been premixed to include titanium dioxide comprises placing a pigment composition in the receiving reservoir which has been premixed to include titanium dioxide in the range of 40 to 50 percent[, the percentage being based on weight of the pigment composition] by weight of the pigment composition.

Claim 8. (Amended) The method of claim 7, wherein placing the pigment composition in the receiving reservoir further comprises placing a pigment composition in the receiving reservoir which has been premixed to include water in an amount of about 25 percent by weight of the pigment composition, a mixture of clay and silica in an amount of about 15 percent by weight of the pigment composition, a viscosity controlling agent in an amount of about 10 percent by weight of the pigment composition, and a combination of dispersant and thickener in an amount of less than 5 percent[, said percentages being based on] by weight of the pigment composition.

Claim 9. (Amended) The method of claim 5, wherein placing the second premixed aqueous paint composition [is the] in the receiving reservoir comprises placing an aqueous paint composition in the receiving reservoir which has been premixed as a dispersant thickening agent.

Claim 10. (Amended) The method of claim 9, wherein placing the dispersant thickening agent in the receiving reservoir comprises placing a dispersant thickening agent in the reservoir which has been premixed to include water in an amount of about 93 percent by weight of the dispersant thickening agent, a phosphate-based dispersant in an amount of less than 1 percent by weight of the dispersant thickening agent, a cellulosic thickener in an amount of about 1 percent by weight of the dispersant thickening agent, and a coalescent in an amount of 4 to 5 percent by weight of the dispersant thickening agent.

Claim 11. (Amended) The method of claim 5, wherein placing the second premixed aqueous paint composition [is the] in the receiving reservoir comprises placing an aqueous paint composition in the reservoir which has been premixed as a high resin content binder.

Claim 12. (Amended) The method of claim 11, wherein placing the high resin content binder in the receiving reservoir comprises placing a high resin content binder in the receiving reservoir which has been premixed to include resin in an amount of about 80 percent by weight of the high resin content binder.

Claim 13. (Amended) The method of claim 12, wherein placing the high resin content binder in the receiving reservoir further comprises placing a high resin content binder in the receiving reservoir which has been premixed to include water at about 15 percent by weight of the high resin content binder and a coalescent at about 2 percent by weight of the high resin content binder.

Claim 14. (Amended) The method of claim 5, wherein placing the second premixed aqueous paint composition [is the] in the receiving reservoir comprises placing an aqueous paint composition in the receiving reservoir which has been premixed as a low resin content binder.

Claim 15. (Amended) The method of claim 14, wherein placing the low resin content binder in the receiving reservoir comprises placing a low resin content binder in the receiving reservoir which has been premixed to include about 50 percent resin by weight of the low resin content binder.

Claim 16. (Amended) The method of claim 15, wherein placing the low resin content binder in the receiving reservoir further comprises placing a low resin content binder in the receiving reservoir which has been premixed to include about 28 percent water by weight of the low resin content binder, about 7 percent flattening agent by weight of the low resin content binder, about 11 percent limestone by weight of the low resin content binder, and about 3.5 percent calcined clay by weight of the low resin content binder.

Claim 17. (Amended) A method of producing an aqueous paint composition, comprising:

mixing a first aqueous composition, ~~the first aqueous composition~~ selected from a group of aqueous compositions consisting of a pigment composition, a dispersant thickening agent, a high resin content binder, and a low resin content binder;

mixing a second aqueous composition, the second aqueous composition selected from the group of aqueous compositions, the second aqueous composition being a different one of the group of premixed aqueous compositions than the first aqueous composition;

mixing a third aqueous composition, the third aqueous composition selected from the group of aqueous compositions, the third aqueous composition being a different one of the group of premixed aqueous compositions than the first and second aqueous compositions;

storing the first aqueous composition in a first supply reservoir;

storing the second aqueous composition in a second supply reservoir;

storing the third aqueous composition in a third supply reservoir;

supplying the first aqueous composition from the first supply reservoir to a receiving reservoir; [and]

supplying the second aqueous composition from the second supply reservoir to the receiving reservoir;

supplying the third aqueous composition from the third supply reservoir to the receiving reservoir; and

mixing the first composition with the second and third compositions.

Claim 18. (Amended) The method of claim 17, wherein [the step of] storing the first aqueous composition comprises storing the first aqueous composition for at least one day, and wherein [the step of] storing the second aqueous composition comprises storing the second aqueous composition for at least one day.

Claim 19. (Amended) The method of claim 17, wherein [the step of] storing the first aqueous composition comprises storing the first aqueous composition for at least one week, and wherein [the step of] storing the second aqueous composition comprises storing the second aqueous composition for at least one week.

Claim 20. (Amended) The method of claim 17, further comprising [the steps of]:

[mixing a third aqueous composition, the third aqueous composition selected from the group of aqueous compositions, the third aqueous composition being a different one of the group of premixed aqueous compositions than the first aqueous composition or the second aqueous composition;]

mixing a fourth aqueous composition, the fourth aqueous composition selected from the group of aqueous compositions, the fourth aqueous composition being a different one of the group of premixed aqueous compositions than the first aqueous composition, the second aqueous composition, or the third aqueous composition;

[storing the third aqueous composition in a third supply reservoir;] and
storing the fourth aqueous composition in a fourth supply reservoir.

Claim 21. (Amended) The method of claim 20, wherein mixing the first [premixed] aqueous paint composition [is the] comprises mixing an aqueous paint composition to be a pigment composition.

Claim 22. (Amended) The method of claim 21, wherein mixing the second [premixed] aqueous paint composition [is the] comprises mixing an aqueous paint composition to be a dispersant thickening agent.

Claim 23. (Amended) The method of claim 22, further comprising [the step of] supplying the third aqueous composition from the third supply reservoir to the receiving reservoir.

Claim 24. (Amended) The method of claim 23, further comprising [the step of] supplying the fourth aqueous composition from the fourth supply reservoir to the receiving reservoir.

Claim 25. (Amended) The method of claim 24, wherein mixing the aqueous paint composition to be a pigment composition comprises adding titanium dioxide in the range of 40 to 50 percent, adding water of about 25 percent, adding a mixture of clay and silica of about 15 percent, adding a viscosity controlling agent of about 10 percent, and adding a combination of dispersant and thickener in an amount of less than 5 percent, [said] the percentages being based on weight of the pigment composition.

Claim 26. (Amended) The method of claim 25, wherein mixing the aqueous paint composition to be a dispersant thickening agent comprises adding water in an amount of about 93 percent, adding a phosphate-based dispersant in an amount of less than 1 percent, adding a cellulosic thickener in an amount of about 1 percent, and adding a coalescent in an amount of 4 to 5 percent.

Claim 27. (Amended) The method of claim 26, wherein mixing the aqueous paint composition to be a high resin content binder comprises adding resin in an amount of about 80 percent, adding water [at] in an amount of about 15 percent and adding a coalescent [at] in an amount of about 2 percent.

Claim 28. (Amended) The method of claim 27, wherein mixing the aqueous paint composition to be a low resin content binder comprises adding about 50 percent resin by weight of the low resin content binder, about 28 percent water by weight of the low resin content binder, about 7 percent flattening agent by weight of the low resin content binder, about 11 percent limestone by weight of the low resin content binder, and about 3.5 percent calcined clay by weight of the low resin content binder.

Claim 29. (Amended) The method of claim 17, further comprising [the step of] mixing the aqueous paint composition.

Claims 30-41. Canceled.

Claim 42. (Amended) A method of producing an aqueous paint composition comprising [the steps of]:

storing a first premixed composition in a first supply reservoir, the first premixed composition selected from a group of compositions consisting of a pigment composition, a dispersant thickening agent, a high resin content binder, and a low resin content binder;

storing a second premixed composition in a second supply reservoir, the second premixed composition selected from the group of compositions, wherein the second premixed composition is a different one of the group of compositions than the first premixed composition;

storing a third premixed composition in a third supply reservoir, the third premixed composition selected from the group of compositions, wherein the third premixed composition is a different one of the group of compositions than the first and second premixed compositions;

determining a first predetermined amount of the first premixed composition;

determining a second predetermined amount of the second premixed composition;

determining a third predetermined amount of the third premixed composition;

supplying the first premixed composition from the first supply reservoir to a receiving reservoir;

supplying the second premixed composition from the second supply reservoir to the receiving reservoir;

supplying the third premixed composition from the third supply reservoir to the receiving reservoir;

Claim 42. (Continued)

measuring a first flow amount of the first premixed composition supplied from the first supply reservoir to the receiving reservoir;

measuring a second flow amount of the second premixed composition supplied from the second supply reservoir to the receiving reservoir;

measuring a third flow amount of the third premixed composition supplied from the third supply reservoir to the receiving reservoir;

ceasing supply of the first premixed composition from the first supply reservoir to the receiving reservoir when the first flow amount equals the first predetermined amount;
[and]

ceasing supply of the second premixed composition from the second supply reservoir to the receiving reservoir when the second flow amount equals the second predetermined amount;

ceasing supply of the third premixed composition from the third supply reservoir to the receiving reservoir when the third flow amount equals the third predetermined amount;
and

mixing the first composition with the second and third compositions.

Claim 43. (Amended) The method of claim 42,

wherein [the step of] ceasing supply of the first premixed composition comprises closing a first valve that is fluidly connected to the first supply reservoir and that is fluidly connected to the receiving reservoir; and

wherein [the step of] ceasing supply of the second premixed composition comprises closing a second valve that is fluidly connected to the second supply reservoir and that is fluidly connected to the receiving reservoir.

Claim 44. Canceled.

Claim 45. (Amended) The method of claim [44] 42, further comprising [the steps of]:

storing a fourth premixed composition in a fourth supply reservoir, the fourth premixed composition selected from the group of compositions, wherein the fourth premixed composition is a different one of the group of compositions than the first premixed composition, the second premixed composition, or the third premixed composition;

determining a fourth predetermined amount of the fourth premixed composition;

supplying the fourth premixed composition from the fourth supply reservoir to the receiving reservoir;

measuring a fourth flow amount of the fourth premixed composition supplied from the fourth supply reservoir to the receiving reservoir; and

ceasing supply of the fourth premixed composition from the fourth supply reservoir to the receiving reservoir when the fourth flow amount equals the fourth predetermined amount.

Claim 46. (Amended) The method of claim 42,

wherein [the step of] supplying the first premixed composition comprises pumping the first premixed composition; and

wherein [the step of] supplying the second premixed composition comprises pumping the second premixed composition.

Claim 47. (Amended) The method of claim 42, wherein [the steps of] supplying the first premixed composition and ceasing supply of the first premixed composition are completed before [the steps of] supplying the second premixed composition and ceasing supply of the second premixed composition have begun.

Claim 48. (Amended) The method of claim 47,

wherein [the step of] measuring the first flow amount comprises measuring a weight of the receiving reservoir; and

wherein [the step of] measuring the second flow amount comprises measuring a weight of the receiving reservoir.

Claim 49. (Amended) The [apparatus] method of claim 48,

wherein [the step of] measuring the first flow amount comprises recalibrating a scale before [measuring the weight of the receiving reservoir] supplying the first premixed composition from the first supply reservoir to the receiving reservoir; and

wherein [the step of] measuring the second flow amount comprises recalibrating the scale [before measuring the weight of the receiving reservoir] after supplying the first premixed composition from the first supply reservoir to the receiving reservoir, but before supplying the second premixed composition from the second supply reservoir to the receiving reservoir.

Claim 50. (Amended) The [apparatus] method of claim 42,

wherein [the step of] determining a first predetermined amount comprises calculating the first predetermined amount using desired paint characteristics that have been input into a user interface by a user;

wherein [the step of] determining a second predetermined amount comprises calculating the second predetermined amount using the desired paint characteristics; and

wherein the first predetermined amount and the second predetermined amount are calculated so that the method will produce a paint composition having the desired characteristics.

Claim 51. (Amended) The method of claim 50, wherein determining any predetermined amount of any premixed composition using the desired characteristics [comprise] comprises determining a predetermined amount of premixed composition needed to produce a paint composition having each of a desired sheen, a desired color type, a desired quality, a desired quantity, and [whether the paint composition will be] suitability for at least one of interior [or] and exterior use.

Claim 52. (Unchanged) A method of producing a desired paint composition, the method comprising the steps of:

- providing an apparatus for producing a paint composition;
- prompting a user to input into the apparatus a selection of either interior or exterior paint;
- prompting a user to input into the apparatus a desired sheen;
- prompting a user to input into the apparatus a desired color type; and
- automatically producing the desired paint composition, the step of automatically producing the desired paint composition being performed by the apparatus, the paint composition having the desired sheen and the desired paint composition further being well-suited for the desired color type and for either interior or exterior use as desired.

Claim 53. (Unchanged) The method of claim 52, further comprising the step of prompting a user to input into the apparatus a desired quality, wherein the paint composition has the desired quality.

Claim 54. (Unchanged) The method of claim 53, wherein the step of automatically producing the desired paint composition comprises:

placing a first aqueous composition in a receiving reservoir, the first aqueous composition selected from a group of premixed aqueous compositions consisting of a pigment composition, a dispersant thickening agent, a high resin content binder, and a low resin content binder; and

placing a second aqueous composition in the receiving reservoir, the second aqueous composition selected from the group of premixed aqueous compositions, the second aqueous composition being a different one of the group of premixed aqueous compositions than the first aqueous composition.

Claims 55-60 (Canceled).